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SERVICE DATE - LATE-RELEASE JULY 3, 2019

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 55 (Sub-No. 791X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—  
IN MASON COUNTY, KY.

Decided: July 3, 2019.

CSX Transportation, Inc. (CSXT), filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon its dock and loadout/conveyor belt at the Maysville Port in Maysville, beginning at milepost CA 599.0 in Mason County, Ky. (the Line). Notice of the exemption was served and published in the Federal Register on June 7, 2019 (84 Fed. Reg. 26,715). The exemption is scheduled to become effective on July 7, 2019.

The Board's Office of Environmental Analysis (OEA) served an environmental assessment (EA) on June 14, 2019, recommending that one condition be imposed on any decision granting abandonment authority. In the EA, OEA stated that CSXT served the historic report on the Kentucky Heritage Council (State Historic Preservation Office, or SHPO) pursuant to 49 C.F.R. § 1105.8(c) and noted that because the SHPO had not yet commented, OEA had not been able to consider the SHPO's opinion in determining the impact of the proposed abandonment on historic resources. Accordingly, OEA recommended a condition requiring the railroad to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the Area of Potential Effect that are eligible for listing or listed in the National Register of Historic Places (National Register) until the Section 106 process of the National Historic Preservation Act, 54 U.S.C. § 306108 (NHPA), has been completed.

OEA issued its final EA on July 1, 2019, noting that no comments to the EA were received and recommending again that the one previously recommended condition be imposed. Accordingly, based on OEA's recommendation, the historic preservation condition proposed in the final EA will be imposed.

This decision, and the proposed abandonment, if implemented as conditioned, will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.

2. Upon reconsideration, the notice served and published in the Federal Register on June 7, 2019, exempting the abandonment of the Line described above is subject to the condition that CSXT shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the Area of Potential Effect that are eligible for listing or listed in the National Register until the Section 106 process of the NHPA has been completed. CSXT shall report back to OEA regarding any consultations with the SHPO and the public, and shall not file its consummation notice or initiate any salvage activities related to the abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

3. This decision is effective on its date of service.

By the Board, Allison C. Davis, Director, Office of Proceedings.